

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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In re: PHARMACEUTICAL INDUSTRY ) MDL No. 1456  
AVERAGE WHOLESALE PRICE LITIGATION )  
   ) Master File No. 01-12257-PBS  
   ) )  
   ) Subcategory No. 07-11618-PBS  
THIS DOCUMENT RELATES TO:       ) )  
   ) )  
*United States of America ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.,* ) Hon Patti B. Saris  
Civil Action No.07-11618-PBS      ) )  
   ) )

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**DECLARATION OF SUSAN SCHNEIDER THOMAS SUBMITTING EXHIBITS  
RELIED UPON IN VEN-A-CARE OF THE FLORIDA KEYS, INC.'S SURREPLY TO  
ABBOTT LABORATORIES REPLY IN SUPPORT OF MOTION TO DISMISS FOR  
LACK OF SUBJECT MATTER JURISDICTION UNDER THE FALSE CLAIMS ACT**

I, Susan Schneider Thomas, do hereby declare as follows:

1. I am a shareholder at the firm of Berger & Montague, P.C., co-counsel for plaintiff Ven-A-Care of the Florida Keys, Inc.
2. Attached hereto as Exhibit A is a listing of the exhibits filed with VEN-A-CARE OF THE FLORIDA KEYS INC.'S SURREPLY TO ABBOTT LABORATORIES REPLY IN SUPPORT OF MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION UNDER THE FALSE CLAIMS ACT. Those exhibits, incorporated herein by reference, are true and correct copies of the documents described in the attached list.

3. I declare under penalty of perjury the foregoing is true.

Dated: December 18, 2009  
Philadelphia, PA

Respectfully submitted,

/s/ Susan Schneider Thomas  
Susan Schneider Thomas  
BERGER & MONTAGUE, P.C.  
1622 Locust Street  
Philadelphia, PA 19103  
Tel: 215-875-3000

**CERTIFICATE OF SERVICE**

I hereby certify that on December 18, 2009, I caused a true and correct copy of the Declaration of Susan Schneider Thomas Submitting Exhibits Relied Upon in VEN-A-CARE OF THE FLORIDA KEYS INC.'S SURREPLY TO ABBOTT LABORATORIES REPLY IN SUPPORT OF MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION UNDER THE FALSE CLAIMS ACT to be served via LEXIS File & Serve electronic filing service pursuant to CMO #2 in this case.

/s/ Susan Schneider Thomas

Susan Schneider Thomas  
Berger & Montague, P.C.